

March 12, 1976

of mind and this physical condition, you would sign almost anything for some kind of treatment. I don't see this as being phony Senator Schmit, I see it as a cruel hoax. I think that it is grossly unfair and if we were dealing with contracts where you are only talking about a quo, not human life, then there is such a thing known as over reaching and taking unconscionable advantage of the other party. In that case the contract would be non-enforceable. In this case of the worst case of unconscionable over reaching the law is the basis for it. I think that is never justified. So, whatever you do with Senator Schmit's amendment, I think that this entire section should be stricken from the bill and we should not have this apparent choice being placed before the patient when really it is no choice at all, and it only aggravates his or her condition and places him or her in greater confusion. I hope that you listened to senator Dworak because there is a bill that can accomplish or come closer to accomplish what the....

PRESIDENT: Senator you have two minutes.

SENATOR CHAMBERS: problem is stated to be. In my last two minutes I just want to read as much of this article that I can. Well I won't read the whole article, but this doctor said that the average award in Nebraska has been \$10,000 to \$12,000. That is the average award in Nebraska. Wouldn't it be somewhat unethical when they have these kind of figures to keep telling you about this monstrous judgments that are coming in? You have not heard them talk about the amount of money that has to be paid out in terms of claims. Only premiums. It has been argued even by those that support the bill that those premiums are based on what is happening in the rest of the country, not Nebraska. The shell game is on.

PRESIDENT: Mr. Speaker.

SPEAKER BURBACH: Mr. President, members of the Legislature, we have been on this amendment now for an hour and twenty minutes. I think that certainly we ought to have it discussed by this time, so I ask for the question.

PRESIDENT: Are there five seconds? I see five seconds. The question is shall the debate cease. Have you voted? Record.

CLERK: 25 ayes, 0 nays to close debate.

PRESIDENT: Debate is closed, Senator Schmit will you offer your reply please.

SENATOR SCHMIT: Yes I will Mr. President. I feel as though we could almost close debate on the bill. The entire gambit has been discussed here on one minor amendment. We have gone from one end of the bill to the other. The doctors have been called crooks and scoundrels and butchers and everything in between. Yet where does a man go when he gets a belly ache or a backache or a headache? He goes to his doctor. As soon as he is well of course,